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Attorneys for Defendants,
COUNTY OF LOS ANGELES and DEPUTY TRAVIS KELLY
(Defendants is exempt from filing fees pursuant to Government Code § 6103)

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

JOSHUA ASSIFF,

Plaintiffs,

v.

COUNTY OF LOS ANGELES;
SHERIFF DEPUTY BADGE
NUMBER 404532; And DOES 1
through 10,

Defendants.

Case No.: 2:22-cv-05367 RGK(MAAx)

**DECLARATION OF MOLSHREE
GUPTA, ESQ. IN SUPPORT OF
DEFENDANTS' MOTION FOR
PARTIAL SUMMARY JUDGMENT OF
CLAIMS PURSUANT TO FED. R. CIV.
P. 56**

*(Filed Concurrently with Defendants' Motion
for Partial Summary Judgment)*

Date: June 26, 2023

Time: 9:00 a.m.

Crtrm: 850

Action Filed: August 3, 2022

Pretrial Conference: July 10, 2023

Trial Date: July 25, 2023

Assigned to:

Hon. R. Gary Klausner, District Judge
Courtroom 850

DECLARATION OF MOLSHREE GUPTA, ESQ.

I, MOLSHREE GUPTA, ESQ., declare and state as follows:

1. I am an attorney at law duly licensed to practice as such before all the courts of the State of California and am a partner in the law offices of Kjar, McKenna & Stockalper, LLP, attorneys of record for moving parties, Defendants COUNTY OF LOS ANGELES and SERGEANT TRAVIS KELLY (collectively, “Defendants”) in the action entitled *Assiff v. County of Los Angeles, et al*, Case Number 2:22-cv-05367 RGK(MAAx).

2. I have personal knowledge of the matters set forth herein, and if called to testify, I could and would competently testify to the facts set forth in this Declaration based upon my personal knowledge.

3. This declaration is made in connection with Defendants’ Motion for Partial Summary Judgment in the above-entitled matter.

4. Attached to the Declaration of Defendant Sergeant Travis Kelly as **Exhibit “A”**, filed concurrently herewith and incorporated herein by this reference is a true and correct copy of the September 24, 2021 Incident Report.

5. Attached to the Declaration of Defendant Sergeant Travis Kelly as **Exhibit “B”**, filed concurrently herewith and incorporated herein by this reference is a true and correct copy of Defendant Kelly’s September 24, 2021 BWC footage [see Notice of Lodging].

6. Attached to the Declaration of Expert Michael Gray As **Exhibit “C”**, filed concurrently herewith, is a true and correct copy of Mr. Gray’s curriculum vitae, which more completely sets forth Mr. Gray’s education, training, experience, and qualifications

7. Attached to the Declaration of Expert Michael Gray as **Exhibit “D”**, filed concurrently herewith and incorporated herein by this reference is a true and correct

1 copy of the September 25, 2021 Probable Cause Determination by Judicial Officer C.
2 Estes.

3 8. Attached to the Declaration of Expert Michael Gray as **Exhibit “D1”**, filed
4 concurrently herewith and incorporated herein by this reference is a true and correct
5 copy of the statutory language of California Penal Code section 69.

6 9. Attached to the Declaration of Expert Michael Gray as **Exhibit “D2”** filed
7 concurrently herewith and incorporated herein by this reference is a true and correct
8 copy of statutory language of California Penal Code sections 243.

9 10. Attached hereto and marked as **Exhibit “E”** is a true and correct copy of
10 Defendant County’s Responses to Plaintiff’s Requests for Production, Set 1, and
11 production of pertinent excerpts of Defendant County’s policies and procedures
12 regarding traffic stops, use of force, de-escalation, and general engagement with the
13 public (see **Exhibit E** at pp. 11-125), as well as public records establishing that the
14 subject Santa Clarita Valley Sheriff’s station was not a subject of the purported DOJ
15 findings (see **Exhibit E** at pp. 127-184).

16 11. In anticipation of filing this motion, and pursuant to Local Rule 7-3, I sent
17 an email to Plaintiff’s counsel on May 16, 2023, to request a telephonic meet and confer
18 with respect to Defendants’ grounds for seeking Motion for Partial Summary Judgment.
19 Attached hereto as **Exhibit “F”** is a true and correct copy of my May 16, 2023
20 correspondence with Plaintiff’s counsel.

21 12. In response, Plaintiff’s counsel declined to engage in a telephonic meet and
22 confer in compliance with Local Rule 7-3 with respect to Defendant’s Motion for
23 Summary Judgment. See **Exhibit “F.”**

24 13. To date, Plaintiff has failed to provide any evidence or identify any specific
25 policies or customs that LASD Santa Clarita Valley, Deputy’s assigned station which
26 had jurisdiction over Defendant Kelly, held or allowed which caused Plaintiff’s alleged
27 constitutional violation.
28

14. On May 10, 2023, Plaintiff made an expert disclosure which attached an expert report which provided no facts, opinions or conclusions with respect to either Plaintiff's claims or allegations regarding unlawful arrest, Monell liability or punitive damages. Attached hereto as **Exhibit "G"** is a true and correct copy of Plaintiff's May 10, 2023 Expert Disclosure, including the expert report of Jeffrey Nobel.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on May 24, 2023, at El Segundo, California.

MOLSHREE GUPTA

CERTIFICATE OF SERVICE

I am employed in the County of Los Angeles, State of California; I am over the age of eighteen years and not a party to the within action; my business address is 841 Apollo Street, Suite 100, El Segundo, California 90245.

On May 24, 2023, I served the foregoing document described as **DECLARATION OF MOLSHREE GUPTA, ESQ. IN SUPPORT OF DEFENDANTS' MOTION FOR PARTIAL SUMMARY JUDGMENT OF CLAIMS PURSUANT TO FED. R. CIV. P. 56** on all interested parties in this action by placing a true copy thereof in a sealed envelope addressed as follows:

SEE ATTACHED SERVICE LIST

By Mail I caused such envelope(s) to be deposited in the mail at El Segundo, California. The envelope was mailed with postage thereon fully prepaid and addressed to the parties listed on the Service List. I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. It is deposited with U.S. postal service on that same day in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than 1 day after date of deposit for mailing in affidavit.

XX By Email Based upon a court order or an agreement of the parties to accept electronic service, I caused the documents to be sent to the persons at the electronic service addresses listed in the Service List. My email address is mnixon@kmslegal.com.

By Personal Service I caused such document to be Personally Served on the parties listed in the Service List.

XX State I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on May 24, 2023, at El Segundo, California.



Maria Nixon

SERVICE LIST

Assiff, Joshua vs. County of Los Angeles, et al.

Central District- Case No.: 2:22-cv-05367 RGK(MAAX)

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